

## **PLANNING COMMISSION MINUTES**

**January 18, 2011**

**7:00 p.m.**

Present: Vice Chairman Dave Badham, Barbara Holt, Michael Allen, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen, Youth Council Representative Jasilyn Brinkerhoff and Recording Secretary Connie Feil.

Absent: Chairman Tom Smith and Von Hill.

Vice Chairman Dave Badham welcomed all those present.

Barbara Holt made a motion to approve the minutes for September 4, 2011 as written. Beth Holbrook seconded the motion and voting was unanimous in favor.

### **1. Consider preliminary and final site plan approval for Bountiful City Light & Power located at 253 S. 200 W., Allen Johnson, applicant.**

Allen Johnson and Alan Farnes, applicants, were present. Aric Jensen explained that Allen Johnson, representing Bountiful Light and Power, is requesting preliminary and final site plan approval for modifications and additions to the existing power plant located at 253 South 200 West.

Bountiful Light and Power is a department of Bountiful City and operates as an enterprise fund. The City Council recently approved funds in excess of \$25 million to update the power plant and to increase output to cover peak demand. At this time the City has applied for and received the necessary Air Quality permits from the State of Utah and has ordered the new generators.

The main (center) section of the existing building will be removed and replaced with a new building and new natural gas generators. The new building will tie into the remainder of the existing building on the corner of 300 South 200 West, but it will be setback 20 feet from the property line (sidewalk), in line with the existing building to the north that also remains.

The old lumber building on 200 South will be demolished, and a new dispatch and shop building will be built on the corner of 200 South and 200 West. The net result will be a very long building running north to south along 200 West. To help break up the monotony, the architect is proposing vertical and horizontal plane modulations, along with a mixture of building materials and a mix of landscaping materials. There are several extremely large conduits running east/west between the power plant and the Power Department service facilities across the street which precludes the planting of trees in most of this area. Planning Staff and the project architect will meet during the construction process to determine the impact of the structures and the best method of landscaping.

A six foot precast concrete wall will be installed along the entire east boundary where the property adjoins the residential neighborhood. New steel entry gates will be constructed at all vehicle entrances. The location of the gates on the northeast corner adjacent to the Gas Compressor Building may change slightly depending on the impact to the existing pine trees on the property line. The City's intent is to preserve all of the existing screening trees, and so the exact location of the gate will be a field decision. The landscaping buffer in this area needs to be expanded 1 foot for a total width of 10 feet.

As part of the construction process, a new stormwater detention area will be constructed in the landscaping on the corner of 200 South and 200 West. All utilities are available on site and/or in the adjacent streets.

Staff recommends preliminary and final commercial site plan approval for Bountiful Light and Power property, with the following conditions:

1. The final landscaping plan be revised and approved during the construction process.
2. Any redline corrections be made prior to building permit approval.

Chris Layton, Architect, presented a color board and explained the changes to the existing building and the proposed new sections.

Allen Johnson explained that with new technology it is more economical to switch out the existing generators, which run on diesel fuel, to natural gas which runs much cleaner. By replacing these units it will reduce emissions, be more economical to run and be much quieter than the existing units. The new units will also increase the amount of power that can be supplied to the citizens of Bountiful for many years to come. The units have been ordered and should be delivered in December 2011. The Power Department plans on having the existing building and new section ready for installation of the new units at this time.

Paul Rowland explained that the site plan has been reviewed and there will be a small increase in hard surface and water drainage. A new detention area will be constructed in the landscaping and all utilities are available. The entire east side of the property will be fenced with a solid wall creating a barrier between the residents and the facility.

After a discussion Michael Allen made a motion to recommend to the City Council preliminary and final site plan approval for Bountiful City Light and Power located at 253 S. 200 W. subject to the conditions outlined by Staff. Beth Holbrook seconded the motion and voting was unanimous in favor.

**2. PUBLIC HEARING – Consider approving or disapproving a Conditional Use Permit for a cell tower for T-Mobile located at 723 N. 400 E., Jared White, applicant.**

Aric Jensen explained that the applicant, Jared White, had car problems and could not attend this meeting. Mr. White asked if the public hearing could continue until the next meeting so he could

attend. Mr. Jensen suggested opening the public hearing for those who are present and continue the public hearing for the next meeting.

Vice Chairman Badman asked Mr. Jensen to explain this item to all those present before he opened the public hearing.

Mr. Jensen explained that Jared White, representing T-Mobile West Corporation, is requesting a conditional use permit to construct a cell tower. The Planning Commission previously reviewed this proposal in October of 2008 and granted a conditional use permit. However, the applicants failed to act on the approval within the required time frame and it lapsed.

The current proposal is based on the conditions of the Commission's previous approval. There does not appear to be any material changes to the proposed site or neighborhood since the Commission's original approval in 2008. A copy of the Commission's previous conditions of approval is included as part of the recommended action.

The proposal is to locate the cell tower in the southwest corner of the site, close to three residential properties. Stone Creek flows between the subject property and the residential properties, and there are many, tall, mature trees along both banks. The only people who have the potential to be directly impacted by this proposal are the three adjacent residential properties and the Mortuary. The owners of the other properties in the area, and the population in general, would be indirectly impacted by having the skyline disrupted by the cell tower.

A conditional use permit should be approved unless it can be shown that it is not possible to impose conditions that would mitigate any reasonably anticipated detrimental effects. The negative impacts typical of any cell tower are obstruction of view and unsightliness. Unlike ham radio towers, cell towers generally don't disrupt TV signals, cordless phones, or other electronic devices. Cellular arrays are frequently located on top of office buildings, near police stations, and in other areas where electronic equipment is used extensively.

What makes cell towers undesirable is aesthetics. Interestingly, the height of the pole is not as big an issue as the width of the pole and the size of the cell arrays on top. The normal line of sight for a standing human is between horizontal and 10 degrees below horizontal. Colored images can be seen as far as 25 degrees above horizontal and 30 degrees below horizontal, but anything beyond that the person has to physically move his head or eyes. That is why the 20 ft difference between a 60 ft high pole and an 80 ft high pole is essentially unnoticeable to someone standing within a few hundred feet. The 2 ft difference between a 2 ft wide pole and a 4 ft wide pole is immediately distinguishable.

Cell companies prefer wide poles for the same reason utility companies like wide streets there's more room to run wire, pipe, conduit, etc, even though it costs more to build. Since width has the greatest impact on appearance, Staff recommends that the pole not exceed 24" in diameter, and that the arrays not extend more than 3 feet from the pole, regardless of height.

The following is a copy of the Bountiful City Land Use Ordinance regarding the approval of conditional use permits.

**14-2-506 DETERMINATION**

A. *A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards.*

B. *If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal, or if the imposition of reasonable conditions to achieve compliance with applicable standards is not possible, the conditional use permit request may be denied.*

C. *Standards applicable to conditional uses include all the requirements of this Title, and consideration of the following:*

- 1. The location of the proposed use in relationship to other existing uses in the general vicinity.*
- 2. The effects of the proposed use and/or accompanying improvements on existing developments in the general vicinity;*
- 3. The appropriate buffering of uses and buildings, proper parking and traffic circulation, and the use of building materials and landscaping which are in harmony with the area.*
- 4. The applicant, at his or her cost, shall provide any report and/or study relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information requested by the City in order to render a proper decision.*

Staff recommends approval with the following conditions:

1. The main pole shall not exceed 24 inches in diameter at any point above ground level.
2. Any cell array shall not protrude horizontally more than 3 feet from the side of the main pole.
3. The height of the pole and any attachment shall not extend more than 80 feet above the level of the existing parking lot, as measured at the closest point to the proposed tower.
4. All equipment and related infrastructure shall be located behind a locked, 6' high, open style, fenced enclosure.
5. The area around the fenced enclosure shall be landscaped with only partially obscuring plants for security and aesthetic reasons.
6. All work, including any future co-location or modification, shall be done after receiving a Bountiful City building permit.
7. No exterior wire or conduit shall be allowed.

The public hearing was opened for all those with comments and concerns.

Patricia Haslam, residing at 297 E. 750 N. was representing the homeowners in the neighborhood. Mrs. Haslam read a letter (which is attached to the minutes) that was sent to Mayor Johnson opposing the location of the cell tower. The letter states that this is not the best location for a cell tower. She said that the tower will be visible from 750 N. and that cell towers should not be placed in residential areas. She has concerns with the potential of radiation for her family, and decreasing the value of the homes in this area. Mrs. Haslam asked the commission to find a different location for the tower.

Jim Hampton, residing at 750 N. 300 E., feels that the cell tower will take away from the view of the mountains that he has from his home. He also has concerns that his home will decrease in value.

Tim Haslam, residing at 297 E. 750 N, feels that there are better locations for the tower with less impact for the residents. At the previous meeting there were other locations suggested for placement of the tower. He asked what has happened with those locations.

City Councilman Tom Tolman, residing at 585 N. 400 E., has visited the site and would like to discuss other options with the applicants. Mr. Tolman also mentioned that other locations were suggested at the previous meeting and would like to know what was decided on those locations. He understands that there is a need for the towers in order to use your cell phone, but feels that there are other locations that haven't been explored yet.

Mr. Jensen was asked to contact the applicant to bring the research to the next meeting showing why they chose this location, why other locations wouldn't work and the potential colors for the pole.

Beth Holbrook made a motion to continue the public hearing for February 1, 2011. Barbara Holt seconded the motion and voting was unanimous in favor.

**3. PUBLIC HEARING – Consider approving or disapproving a Conditional Use Permit for an assisted living facility located at 517 S. 100 E., Marv Blosch, applicant.**

Jon Blosch, representing Marv Blosch, was present. Aric Jensen explained that Dick Drescher, architect, and Marv Blosch, property owner, are requesting a conditional use permit to expand the existing Riley Court Independent Living Facility and to convert a portion of the facility to assisted living. Riley Court is located within an RM-13 zoning designation, which allows assisted living units as a conditional use on properties at least 2.0 acres in size. As proposed, the subject property comprises 2.2 acres.

The proposal is to demolish an existing 3 unit multi-family building owned by Mr. Blosch immediately to the east of the existing Riley Court facility and to incorporate that land into the Riley Court property. Mr. Blosch would then expand the existing Building 'B' eastward toward 200 East. The new expansion would be built on the same level as Building 'B' and would include an elevator to serve both buildings. Since the natural terrain slopes mildly upward to the east, the new addition would be approximately 3-4 feet in the ground as it approaches 300 East and would appear to be a 1 ½ storey structure to a pedestrian on the sidewalk.

Mr. Jensen spoke with Mr. Drescher and verified that each assisted living unit would have only one occupant.

If the Planning Commission grants approval of the conditional use permit, the applicant will then need to submit civil site drawings based on the conditions of approval to the Commission for site plan review. A conditional use permit is approved by the Planning Commission and is not reviewed by the City Council.

Staff recommends approval with the following conditions:

1. The preliminary and final site plan drawings shall conform to the conditions of this approval.
2. Any discrepancy between the information in the Site Data table contained in the conceptual site plan prepared by Mr. Drescher and the requirements of the Bountiful Land Use Ordinance shall be resolved prior to preliminary site plan submittal.
3. There shall be no drive approaches onto 200 East.
4. The building façade and landscaping facing 200 East shall approximate that of a single family residence.

Jon Blossch explained that there will be 10 units converted to assisted living in the main building and the remaining units will stay as senior units. The new proposed building will be used for assisted living. The concept is to combine the two uses to provide services for married couples so they can remain together in the same facility.

The public hearing was opened or those with comments and concerns.

A letter was submitted (which is attached to the minutes) from Elting and Ellen Gray, who reside at Riley Court, stating that they are in favor of the Conditional Use Permit.

Ella Greena, mother lives in Riley Court, has concerns with no communication between the residents and the owners on the expansion of Riley Court. When they asked Darlene (Manager for Riley Court) for any information they were told to come to the meeting. She feels that the owners are being sneaky and not up front with the residents. She has concerns on how and when is this going to happen, how many units are there going to be, is rent going to be increased, and as residents move out are their units going to be replaced.

Amy Arbuckle, residing at 548 S. 200 E., is happy with everything concerning Riley Court, the renters, maintenance etc. Mrs. Arbuckle does have some concerns with access on and off of 200 E., parking on the street and if there will be 24 hour staff at the facility.

George Thornton, 335 E. Mill St, also had concerns with access on 200 East.

Mr. Blossch explained that the residents will not be removed from the facility to replace with assisted living residents. About ten units from the main building will be remolded as the residents move out, they will not be forced out. The rental fees will not change, no access from

200 E., and there will not be a problem with parking. Mr. Blossch apologized for the letter being sent out so late.

The public hearing was closed without further comments.

Mr. Blossch introduced Julia Cole, administrator for Mountain Regional Health Care. Marv Blossch came to Ms. Cole asking if her company could provide services for the residents at Riley Court. Currently Mountain Regional has been assisting some residents at Riley Court. The residents have options to use other facilities if they wish. She provides information and resources for their individual needs. There will be minimal staff on site. With this being a small facility there will not be a full staff on site.

There was a discussion regarding access on 200 East, how many units, and the parking issues.

Barbara Holt made a motion to approve the Conditional Use Permit for an assisted living facility located at 515 S. 100 E. subject to the conditions outlined by Staff with the following modifications:

1. The preliminary and final site plan drawings shall conform to the information contained in the site data table and the layout of the conceptual site plan.
3. There shall be no drive approaches onto 200 East.
4. The building façade and landscaping facing 200 East shall approximate that of a single family residence.

Beth Holbrook seconded the motion and voting was unanimous in favor.

**4. PUBLIC HEARING CONTINUED – Consider revisions to Title 14, Bountiful City Land Ordinance.**

Vice Chairman Badham asked if anyone was present for this item. No one was present and Mr. Jensen suggested that the public hearing be continued to the next Planning Commission meeting.

Beth Holbrook made a motion to continue the public hearing for the Bountiful Land Use Ordinance until February 1, 2011. Barbara Holt seconded the motion and voting was unanimous in favor.

Meeting adjourned at 8:25 p.m.